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November 15, 2016

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

RE: Notice of Ex Parte Communication, WC Docket Nos. 10-90,  
14-58 and 14-259

Dear Secretary Dortch:

On November 15, 2016, the undersigned, along with Jeffrey S. Nordhaus, Executive Vice President, Innovation & Broadband, Empire State Development (“ESD”) and Charles Small, Associate Director of Federal Affairs of the Washington D.C. Office of New York Governor Andrew Cuomo, spoke by conference call with Claude Aiken, Commissioner Mignon Clyburn’s legal advisor, to discuss the Petition for Expedited Waiver that ESD recently submitted in the above-referenced proceedings.

Mr. Nordhaus stated that the comments received in response to the Petition overwhelmingly supported grant of the requested waiver to allow carriers in New York to access Connect America Fund (“CAF”) Phase II funding in coordination with the State’s existing broadband program. He thus urged the Commission to rapidly grant the waiver and avoid the host of challenges that would result from conducting separate federal and state broadband auctions. Mr. Small maintained that expeditious grant of the Petition would allow carriers in New York to invest in the infrastructure necessary to deploy broadband to many rural and tribal communities for the first time. Finally, I noted that many parties agreed that good cause exists to

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grant the waiver and that expeditious approval would ensure the efficient allocation of CAF resources.

Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

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/s/

John M. Beahn

*Counsel to Empire State Development*

cc: Claude Aiken